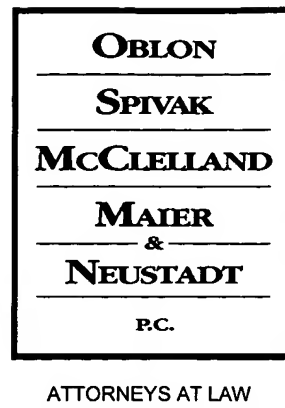




Docket No.: 241569US20CONT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/662,530

Applicants: H. Britton SANDERFORD, et al.

Filing Date: September 16, 2003

For: ENHANCED WIRELESS PACKET DATA
COMMUNICATION SYSTEM, METHOD, AND
APPARATUS APPLICABLE TO BOTH WIDE AREA
NETWORKS AND LOCAL AREA NETWORKS

Group Art Unit: 2611

Examiner: Lu, Jia

SIR:

Attached hereto for filing are the following papers:

Provisional Election

Our credit card payment form in the amount of 0 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters

Registration No. 28,870

Customer Number

22850

(703) 413-3000 (phone)

(703) 413-2220 (fax)



DOCKET NO: 241569US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
H. BRITTON SANDERFORD JR. : EXAMINER: LU, JIA
SERIAL NO: 10/662,530 :
FILED: SEPTEMBER 16, 2003 : GROUP ART UNIT: 2611
FOR: ENHANCED WIRELESS PACKET :
DATA COMMUNICATION SYSTEM,
METHOD, AND APPARATUS...

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated October 30, 2006, Applicant provisionally elect with traverse, Claims 1-30 drawn to a system using QAM, classified in class 375, subclass 261, for further examination on the merits. Applicant reserves the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional

effort. Accordingly, Applicant respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-31 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870